

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1035

97TH GENERAL ASSEMBLY

2235H.05T

2013

AN ACT

To repeal sections 33.080, 67.457, 67.463, 67.469, 71.011, 99.845, 137.073, 137.090, 137.095, 137.115, 137.720, 138.431, 238.272, 360.045, and 374.150, RSMo, and to enact in lieu thereof seventeen new sections relating to political subdivisions, with an emergency clause for certain sections and an existing penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 33.080, 67.457, 67.463, 67.469, 71.011, 99.845, 137.073, 137.090, 137.095, 137.115, 137.720, 138.431, 238.272, 360.045, and 374.150, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 33.080, 33.295, 67.457, 67.463, 67.469, 71.011, 96.229, 99.845, 137.073, 137.090, 137.095, 137.115, 137.720, 138.431, 238.272, 360.045, and 374.150, to read as follows:

33.080. **1.** All fees, funds and moneys from whatsoever source received by any department, board, bureau, commission, institution, official or agency of the state government by virtue of any law or rule or regulation made in accordance with any law, excluding all funds received and disbursed by the state on behalf of counties and cities, towns and villages shall, by the official authorized to receive same, and at stated intervals of not more than thirty days, be placed in the state treasury to the credit of the particular purpose or fund for which collected, and shall be subject to appropriation by the general assembly for the particular purpose or fund for which collected during the biennium in which collected and appropriated. The unexpended balance remaining in all such funds (except such unexpended balance as may remain in any fund authorized, collected and expended by virtue of the provisions of the constitution of this state) shall at the end of the biennium and after all warrants on same have been discharged and the appropriation thereof has lapsed, be transferred and placed to the credit of the [ordinary] **general**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 revenue fund of the state by the state treasurer. Any official or any person who shall willfully
14 fail to comply with any of the provisions of this section, and any person who shall willfully
15 violate any provision hereof, shall be deemed guilty of a misdemeanor; provided, that all such
16 money received by the curators of the University of Missouri except those funds required by law
17 or by instrument granting the same to be paid into the seminary fund of the state, is excepted
18 herefrom, and in the case of other state educational institutions there is excepted herefrom, gifts
19 or trust funds from whatever source; appropriations; gifts or grants from the federal government,
20 private organizations and individuals; funds for or from student activities; farm or housing
21 activities; and other funds from which the whole or some part thereof may be liable to be repaid
22 to the person contributing the same; and hospital fees. All of the above excepted funds shall be
23 reported in detail quarterly to the governor and biennially to the general assembly.

24 **2. Notwithstanding any provision of law to the contrary concerning the transfer of**
25 **funds, ten million dollars shall be transferred from the insurance dedicated fund**
26 **established under section 374.150, and placed to the credit of the rebuild damaged**
27 **infrastructure fund created in section 33.295 on July 1, 2013.**

33.295. 1. There is hereby established the "Rebuild Damaged Infrastructure
2 **Program" to provide funding for the reconstruction, replacement, or renovation of, or**
3 **repair to, any infrastructure damaged by a presidentially declared natural disaster,**
4 **including, but not limited to, the physical components of interrelated systems providing**
5 **essential commodities and services to the public which includes transportation,**
6 **communication, sewage, water, and electric systems as well as public elementary and**
7 **secondary school buildings.**

8 **2. There is hereby created in the state treasury the "Rebuild Damaged**
9 **Infrastructure Fund", which shall consist of money appropriated or collected under this**
10 **section. Any amount to be transferred to the fund on July 1, 2013, pursuant to subsection**
11 **2 of section 33.080 and subsection 2 of section 360.045, in excess of fifteen million dollars**
12 **shall instead be transferred to the state general revenue fund. The state treasurer shall be**
13 **custodian of the fund and may approve disbursements from the fund in accordance with**
14 **sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for**
15 **the purposes of this section. Any moneys remaining in the fund at the end of the biennium**
16 **shall revert to the credit of the general revenue fund. The state treasurer shall invest**
17 **moneys in the fund in the same manner as other funds are invested. Any interest and**
18 **moneys earned on such investments shall be credited to the fund.**

19 **3. The provisions of this section shall expire on June 30, 2014.**

67.457. 1. To establish a neighborhood improvement district, the governing body of any
2 city or county shall comply with either of the procedures described in subsection 2 or 3 of this
3 section.

4 2. The governing body of any city or county proposing to create a neighborhood
5 improvement district may by resolution submit the question of creating such district to all

6 qualified voters residing within such district at a general or special election called for that
7 purpose. Such resolution shall set forth the project name for the proposed improvement, the
8 general nature of the proposed improvement, the estimated cost of such improvement, the
9 boundaries of the proposed neighborhood improvement district to be assessed, and the proposed
10 method or methods of assessment of real property within the district, including any provision for
11 the annual assessment of maintenance costs of the improvement in each year during the term of
12 the bonds issued for the original improvement and after such bonds are paid in full. The
13 governing body of the city or county may create a neighborhood improvement district when the
14 question of creating such district has been approved by the vote of the percentage of electors
15 within such district voting thereon that is equal to the percentage of voter approval required for
16 the issuance of general obligation bonds of such city or county under article VI, section 26 of the
17 constitution of this state. The notice of election containing the question of creating a
18 neighborhood improvement district shall contain the project name for the proposed
19 improvement, the general nature of the proposed improvement, the estimated cost of such
20 improvement, the boundaries of the proposed neighborhood improvement district to be assessed,
21 the proposed method or methods of assessment of real property within the district, including any
22 provision for the annual assessment of maintenance costs of the improvement in each year after
23 the bonds issued for the original improvement are paid in full, and a statement that the final cost
24 of such improvement assessed against real property within the district and the amount of general
25 obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as
26 stated in such notice, by more than twenty-five percent, and that the annual assessment for
27 maintenance costs of the improvements shall not exceed the estimated annual maintenance cost,
28 as stated in such notice, by more than twenty-five percent. The ballot upon which the question
29 of creating a neighborhood improvement district is submitted to the qualified voters residing
30 within the proposed district shall contain a question in substantially the following form:

31 Shall (name of city or county) be authorized to create a
32 neighborhood improvement district proposed for the (project name for the
33 proposed improvement) and incur indebtedness and issue general obligation bonds to pay for all
34 or part of the cost of public improvements within such district, the cost of all indebtedness so
35 incurred to be assessed by the governing body of the (city or county) on the
36 real property benefitted by such improvements for a period of years, and, if included in
37 the resolution, an assessment in each year thereafter with the proceeds thereof used solely for
38 maintenance of the improvement?

39 3. As an alternative to the procedure described in subsection 2 of this section, the
40 governing body of a city or county may create a neighborhood improvement district when a
41 proper petition has been signed by the owners of record of at least two-thirds by area of all real
42 property located within such proposed district. Each owner of record of real property located in
43 the proposed district is allowed one signature. Any person, corporation, or limited liability
44 partnership owning more than one parcel of land located in such proposed district shall be

45 allowed only one signature on such petition. The petition, in order to become effective, shall be
46 filed with the city clerk or county clerk. A proper petition for the creation of a neighborhood
47 improvement district shall set forth the project name for the proposed improvement, the general
48 nature of the proposed improvement, the estimated cost of such improvement, the boundaries
49 of the proposed neighborhood improvement district to be assessed, the proposed method or
50 methods of assessment of real property within the district, including any provision for the annual
51 assessment of maintenance costs of the improvement in each year during the term of the bonds
52 issued for the original improvement and after such bonds are paid in full, a notice that the names
53 of the signers may not be withdrawn later than seven days after the petition is filed with the city
54 clerk or county clerk, and a notice that the final cost of such improvement assessed against real
55 property within the district and the amount of general obligation bonds issued therefor shall not
56 exceed the estimated cost of such improvement, as stated in such petition, by more than
57 twenty-five percent, and that the annual assessment for maintenance costs of the improvements
58 shall not exceed the estimated annual maintenance cost, as stated in such petition, by more than
59 twenty-five percent.

60 4. Upon receiving the requisite voter approval at an election or upon the filing of a
61 proper petition with the city clerk or county clerk, the governing body may by resolution or
62 ordinance determine the advisability of the improvement and may order that the district be
63 established and that preliminary plans and specifications for the improvement be made. Such
64 resolution or ordinance shall state and make findings as to the project name for the proposed
65 improvement, the nature of the improvement, the estimated cost of such improvement, the
66 boundaries of the neighborhood improvement district to be assessed, the proposed method or
67 methods of assessment of real property within the district, including any provision for the annual
68 assessment of maintenance costs of the improvement in each year after the bonds issued for the
69 original improvement are paid in full, and shall also state that the final cost of such improvement
70 assessed against the real property within the neighborhood improvement district and the amount
71 of general obligation bonds issued therefor shall not, without a new election or petition, exceed
72 the estimated cost of such improvement by more than twenty-five percent.

73 5. The boundaries of the proposed district shall be described by metes and bounds,
74 streets or other sufficiently specific description. The area of the neighborhood improvement
75 district finally determined by the governing body of the city or county to be assessed may be less
76 than, but shall not exceed, the total area comprising such district.

77 6. In any neighborhood improvement district organized prior to August 28, 1994, an
78 assessment may be levied and collected after the original period approved for assessment of
79 property within the district has expired, with the proceeds thereof used solely for maintenance
80 of the improvement, if the residents of the neighborhood improvement district either vote to
81 assess real property within the district for the maintenance costs in the manner prescribed in
82 subsection 2 of this section or if the owners of two-thirds of the area of all real property located

83 within the district sign a petition for such purpose in the same manner as prescribed in subsection
84 3 of this section.

85 **7. Prior to any assessment hereafter being levied against any real property within**
86 **any neighborhood improvement district, and prior to any lien enforceable under either**
87 **chapter 140 or 141 being imposed after August 28, 2013, against any real property within**
88 **a neighborhood improvement district, the clerk of the governing body establishing the**
89 **neighborhood improvement district shall cause to be recorded with the recorder of deeds**
90 **for the county in which any portion of the neighborhood improvement district is located,**
91 **a document conforming to the provisions of sections 59.310 and 59.313, and which shall**
92 **contain at least the following information:**

93 **(1) Each owner of record of real property located within the neighborhood**
94 **improvement district at the time of recording, who shall be identified in the document as**
95 **grantors and indexed by the recorder pursuant to section 59.440;**

96 **(2) The governing body establishing the neighborhood improvement district and**
97 **the title of any official or agency responsible for collecting or enforcing any assessments,**
98 **who shall be identified in the document as grantees and so indexed by the recorder**
99 **pursuant to section 59.440;**

100 **(3) The legal description of the property within the neighborhood improvement**
101 **district which may either be the metes and bounds description authorized in subsection 5**
102 **of this section or the legal description of each lot or parcel within the neighborhood**
103 **improvement district; and**

104 **(4) The identifying number of the resolution or ordinance creating the**
105 **neighborhood improvement district, or a copy of such resolution or ordinance.**

67.463. 1. At the hearing to consider the proposed improvements and assessments, the
2 governing body shall hear and pass upon all objections to the proposed improvements and
3 proposed assessments, if any, and may amend the proposed improvements, and the plans and
4 specifications therefor, or assessments as to any property, and thereupon by ordinance or
5 resolution the governing body of the city or county shall order that the improvement be made and
6 direct that financing for the cost thereof be obtained as provided in sections 67.453 to 67.475.

7 2. After construction of the improvement has been completed in accordance with the
8 plans and specifications therefor, the governing body shall compute the final costs of the
9 improvement and apportion the costs among the property benefitted by such improvement in
10 such equitable manner as the governing body shall determine, charging each parcel of property
11 with its proportionate share of the costs, and by resolution or ordinance, assess the final cost of
12 the improvement or the amount of general obligation bonds issued or to be issued therefor as
13 special assessments against the property described in the assessment roll.

14 3. After the passage or adoption of the ordinance or resolution assessing the special
15 assessments, the city clerk or county clerk shall mail a notice to each property owner within the
16 district which sets forth a description of each parcel of real property to be assessed which is

17 owned by such owner, the special assessment assigned to such property, and a statement that the
18 property owner may pay such assessment in full, together with interest accrued thereon from the
19 effective date of such ordinance or resolution, on or before a specified date determined by the
20 effective date of the ordinance or resolution, or may pay such assessment in annual installments
21 as provided in subsection 4 of this section.

22 4. The special assessments shall be assessed upon the property included therein
23 concurrent with general property taxes, and shall be payable in substantially equal annual
24 installments for a duration stated in the ballot measure prescribed in subsection 2 of section
25 67.457 or in the petition prescribed in subsection 3 of section 67.457, and, if authorized, an
26 assessment in each year thereafter levied and collected in the same manner with the proceeds
27 thereof used solely for maintenance of the improvement, taking into account such assessments
28 and interest thereon, as the governing body determines. The first installment shall be payable
29 after the first collection of general property taxes following the adoption of the assessment
30 ordinance or resolution unless such ordinance or resolution was adopted and certified too late
31 to permit its collection at such time. All assessments shall bear interest at such rate as the
32 governing body determines, not to exceed the rate permitted for bonds by section 108.170.
33 Interest on the assessment between the effective date of the ordinance or resolution assessing the
34 assessment and the date the first installment is payable shall be added to the first installment.
35 The interest for one year on all unpaid installments shall be added to each subsequent installment
36 until paid. In the case of a special assessment by a city, all of the installments, together with the
37 interest accrued or to accrue thereon, may be certified by the city clerk to the county clerk in one
38 instrument at the same time. Such certification shall be good for all of the installments, and the
39 interest thereon payable as special assessments.

40 5. Special assessments shall be collected and paid over to the city treasurer or county
41 treasurer in the same manner as taxes of the city or county are collected and paid. In any **county**
42 **with a charter form of government and with more than six hundred thousand but fewer**
43 **than seven hundred thousand inhabitants and any** county of the first classification with more
44 than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five
45 thousand five hundred inhabitants, the county collector may collect a fee as prescribed by section
46 52.260 for collection of assessments under this section.

67.469. A special assessment authorized under the provisions of sections 67.453 to
2 67.475 shall be a lien, from the date of the assessment, on the property against which it is
3 assessed on behalf of the city or county assessing the same to the same extent as a tax upon real
4 property. The lien may be foreclosed in the same manner as a tax upon real property by land tax
5 sale pursuant to chapter 140 or [by judicial foreclosure proceeding], **if applicable to that**
6 **county, chapter 141, or** at the option of the governing body, **by judicial foreclosure**
7 **proceeding.** Upon the foreclosure of any such lien, whether by land tax sale or by judicial
8 foreclosure proceeding, the entire remaining assessment may become due and payable and may
9 be recoverable in such foreclosure proceeding at the option of the governing body.

71.011. 1. Except as provided in subsection 2 of this section, property of a municipality which abuts another municipality may be concurrently detached from one municipality and annexed by the other municipality by the enactment by the governing bodies of each municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be concurrently detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. One certified copy of each ordinance shall be filed with the county clerk, with the county assessor, with the county recorder of deeds, and with the clerk of the circuit court of the county in which the property is located, whereupon the concurrent detachment and annexation shall be complete and final. Thereafter all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. No declaratory judgment or election shall be required for any concurrent detachment and annexation permitted by this section if there are no residents living in the area or if there are residents in the area and they be notified of the annexation and do not object within sixty days.

2. In a county of the first classification with a charter form of government containing all or a portion of a city with a population of at least three hundred thousand inhabitants[,] :

(1) Unimproved property of a municipality which overlaps another municipality may be concurrently detached from one municipality and annexed by the other municipality by the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the city clerk of the contributing municipality, which shall have thirty days from receipt of said notice to pass an ordinance disapproving the change of boundary. If such ordinance is not passed within thirty days, the change shall be effective and one certified copy of the ordinance shall be filed with the county clerk, with the county assessor, with the county recorder of deeds, and with the clerk of the circuit court of the county in which the property is located, whereupon the concurrent detachment and annexation shall be complete and final. Thereafter all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. No declaratory judgment or election shall be required for any concurrent detachment and annexation permitted by this section if the landowners in the area are notified and do not object within sixty days; or

(2) **An island of unincorporated area within a municipality, which is contiguous to more than one municipality or contiguous to the Missouri River and the Blue River, may be annexed by an abutting municipality by the enactment by the governing body of the municipality of an ordinance describing the metes and bounds of the property, declaring the property so described to be annexed, and stating the reasons for and the purposes to be accomplished by the annexation. All recording shall be accomplished in the same manner as set out in subdivision (1) of this subsection and shall be effective unless the governing body of the county passes an ordinance within thirty days disapproving the annexation. No declaratory judgment or election shall be required for any annexation**

40 permitted by this subdivision. Any annexation permitted by this subdivision shall exclude
41 any property within the unincorporated area when such property has been owned by the
42 same family for at least sixty consecutive years and consists of ten acres or more. The line
43 of ownership from the original settler or buyer may be through children, grandchildren,
44 siblings, nephews, or nieces, including through marriage or adoption.

2 96.229. 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of
3 substantially all of a hospital where the board of trustees is lessor, a city in which a hospital
4 is located that:

4 (1) Is organized and operated under this chapter;

5 (2) Has not accepted appropriated funds from the city during the prior twenty
6 years; and

7 (3) Is licensed by the department of health and senior services for two hundred
8 beds or more pursuant to sections 197.010 to 197.120, shall not have authority to sell, lease,
9 or otherwise transfer all or substantially all of the property from a hospital organized
10 under this chapter, both real and personal, except in accordance with this section.

11 2. Upon filing with the city clerk of a resolution adopted by no less than two-thirds
12 of the incumbent members of the board of trustees to sell, lease, or otherwise transfer all
13 or substantially all of the hospital property, both real and personal, for reasons specified
14 in the resolution, the clerk shall present the resolution to the city council. If a majority of
15 the incumbent members of the city council determine that sale, lease, or other transfer of
16 the hospital property is desirable, the city council shall submit to the voters of the city the
17 question in substantially the following form:

18 "Shall the city council of, Missouri and the board of trustees of .
19 hospital be authorized to sell (or lease or otherwise transfer) the property,
20 real and personal, of hospital as approved by, and in accordance with,
21 the resolution of the board of trustees authorizing such sale (or lease or transfer)?"

22

23 A majority of the votes cast on such question shall be required in order to approve and
24 authorize such sale, lease or other transfer. If the question receives less than the required
25 majority, then the city council and the board of trustees shall have no power to sell, lease
26 or otherwise transfer the property, real and personal, of the hospital unless and until the
27 city council has submitted another question to authorize such sale, lease or transfer
28 authorized under this section and such question is approved by the required majority of
29 the qualified voters voting thereon. However, in no event shall a question under this
30 section be submitted to the voters sooner than twelve months from the date of the last
31 question under this section and after the adoption of another resolution by no less than
32 two-thirds of the board of trustees and a subsequent vote by a majority of the city council
33 to again submit the question to the voters.

34 **3. Upon passage of such question by the voters, the board of trustees shall sell and**
35 **dispose of such property, or lease or transfer such property, in the manner proposed by**
36 **the board of trustees. The deed of the board of trustees, duly authorized by the board of**
37 **trustees and duly acknowledged and recorded, shall be sufficient to convey to the**
38 **purchaser all the rights, title, interest, and estate in the hospital property.**

39 **4. No sale, lease, or other transfer of such hospital property shall be authorized or**
40 **effective unless such transaction provides sufficient proceeds to be available to be applied**
41 **to the payment of all interest and principal of any outstanding valid indebtedness incurred**
42 **for purchase of the site or construction of the hospital, or for any repairs, alterations,**
43 **improvements, or additions thereto, or for operation of the hospital.**

44 **5. Assets donated to the hospital pursuant to section 96.210 shall be used to provide**
45 **health care services in the city and in the geographic region previously served by the**
46 **hospital, except as otherwise prescribed by the terms of the deed, gift, devise, or bequest.**

99.845. 1. A municipality, either at the time a redevelopment project is approved or, in
2 the event a municipality has undertaken acts establishing a redevelopment plan and
3 redevelopment project and has designated a redevelopment area after the passage and approval
4 of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with
5 the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by
6 passing an ordinance providing that after the total equalized assessed valuation of the taxable real
7 property in a redevelopment project exceeds the certified total initial equalized assessed
8 valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and
9 payments in lieu of taxes, if any, arising from the levies upon taxable real property in such
10 redevelopment project by taxing districts and tax rates determined in the manner provided in
11 subsection 2 of section 99.855 each year after the effective date of the ordinance until
12 redevelopment costs have been paid shall be divided as follows:

13 (1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract,
14 or parcel of real property which is attributable to the initial equalized assessed value of each such
15 taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment
16 project shall be allocated to and, when collected, shall be paid by the county collector to the
17 respective affected taxing districts in the manner required by law in the absence of the adoption
18 of tax increment allocation financing;

19 (2) (a) Payments in lieu of taxes attributable to the increase in the current equalized
20 assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected
21 for the redevelopment project and any applicable penalty and interest over and above the initial
22 equalized assessed value of each such unit of property in the area selected for the redevelopment
23 project shall be allocated to and, when collected, shall be paid to the municipal treasurer who
24 shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation
25 Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred
26 in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien

27 against the real estate of the redevelopment project from which they are derived and shall be
28 collected in the same manner as the real property tax, including the assessment of penalties and
29 interest where applicable. The municipality may, in the ordinance, pledge the funds in the
30 special allocation fund for the payment of such costs and obligations and provide for the
31 collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner
32 as a special assessment lien as provided in section 88.861. No part of the current equalized
33 assessed valuation of each lot, block, tract, or parcel of property in the area selected for the
34 redevelopment project attributable to any increase above the total initial equalized assessed value
35 of such properties shall be used in calculating the general state school aid formula provided for
36 in section 163.031 until such time as all redevelopment costs have been paid as provided for in
37 this section and section 99.850;

38 (b) Notwithstanding any provisions of this section to the contrary, for purposes of
39 determining the limitation on indebtedness of local government pursuant to article VI, section
40 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area
41 selected for redevelopment attributable to the increase above the total initial equalized assessed
42 valuation shall be included in the value of taxable tangible property as shown on the last
43 completed assessment for state or county purposes;

44 (c) The county assessor shall include the current assessed value of all property within
45 the taxing district in the aggregate valuation of assessed property entered upon the assessor's
46 book and verified pursuant to section 137.245, and such value shall be utilized for the purpose
47 of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri
48 Constitution;

49 (3) For purposes of this section, "levies upon taxable real property in such redevelopment
50 project by taxing districts" shall not include the blind pension fund tax levied under the authority
51 of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers'
52 inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of
53 the Missouri Constitution, except in redevelopment project areas in which tax increment
54 financing has been adopted by ordinance pursuant to a plan approved by vote of the governing
55 body of the municipality taken after August 13, 1982, and before January 1, 1998.

56 2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection
57 1 of this section, for redevelopment plans and projects adopted or redevelopment projects
58 approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total
59 additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing
60 districts, which are generated by economic activities within the area of the redevelopment project
61 over the amount of such taxes generated by economic activities within the area of the
62 redevelopment project in the calendar year prior to the adoption of the redevelopment project by
63 ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales
64 or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant
65 to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and

66 any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section
67 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local
68 political subdivision collecting officer to the treasurer or other designated financial officer of the
69 municipality, who shall deposit such funds in a separate segregated account within the special
70 allocation fund. Any provision of an agreement, contract or covenant entered into prior to July
71 12, 1990, between a municipality and any other political subdivision which provides for an
72 appropriation of other municipal revenues to the special allocation fund shall be and remain
73 enforceable.

74 3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection
75 1 of this section, for redevelopment plans and projects adopted or redevelopment projects
76 approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from
77 taxes, penalties and interest which are imposed by the municipality or other taxing districts, and
78 which are generated by economic activities within the area of the redevelopment project over the
79 amount of such taxes generated by economic activities within the area of the redevelopment
80 project in the calendar year prior to the adoption of the redevelopment project by ordinance,
81 while tax increment financing remains in effect, but excluding personal property taxes, taxes
82 imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels,
83 taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation
84 pursuant to section 94.660, **taxes imposed on sales pursuant to subsection 2 of section**
85 **67.1712 for the purpose of operating and maintaining a metropolitan park and recreation**
86 **district**, licenses, fees or special assessments other than payments in lieu of taxes and penalties
87 and interest thereon, [or] any sales tax imposed by a county with a charter form of government
88 and with more than six hundred thousand but fewer than seven hundred thousand inhabitants,
89 for the purpose of sports stadium improvement or levied by such county under section 238.410
90 for the purpose of the county transit authority operating transportation facilities, **or for**
91 **redevelopment plans and projects adopted or redevelopment projects approved by**
92 **ordinance after August 28, 2013, taxes imposed on sales pursuant to section 650.399 for the**
93 **purpose of emergency communication systems**, shall be allocated to, and paid by the local
94 political subdivision collecting officer to the treasurer or other designated financial officer of the
95 municipality, who shall deposit such funds in a separate segregated account within the special
96 allocation fund.

97 4. Beginning January 1, 1998, for redevelopment plans and projects adopted or
98 redevelopment projects approved by ordinance and which have complied with subsections 4 to
99 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes
100 described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues,
101 as defined in subsection 8 of this section, estimated for the businesses within the project area and
102 identified by the municipality in the application required by subsection 10 of this section, over
103 and above the amount of such taxes reported by businesses within the project area as identified
104 by the municipality in their application prior to the approval of the redevelopment project by

105 ordinance, while tax increment financing remains in effect, may be available for appropriation
106 by the general assembly as provided in subsection 10 of this section to the department of
107 economic development supplemental tax increment financing fund, from the general revenue
108 fund, for distribution to the treasurer or other designated financial officer of the municipality
109 with approved plans or projects.

110 5. The treasurer or other designated financial officer of the municipality with approved
111 plans or projects shall deposit such funds in a separate segregated account within the special
112 allocation fund established pursuant to section 99.805.

113 6. No transfer from the general revenue fund to the Missouri supplemental tax increment
114 financing fund shall be made unless an appropriation is made from the general revenue fund for
115 that purpose. No municipality shall commit any state revenues prior to an appropriation being
116 made for that project. For all redevelopment plans or projects adopted or approved after
117 December 23, 1997, appropriations from the new state revenues shall not be distributed from the
118 Missouri supplemental tax increment financing fund into the special allocation fund unless the
119 municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes
120 and fifty percent of economic activity taxes generated by the project shall be used for eligible
121 redevelopment project costs while tax increment financing remains in effect. This account shall
122 be separate from the account into which payments in lieu of taxes are deposited, and separate
123 from the account into which economic activity taxes are deposited.

124 7. In order for the redevelopment plan or project to be eligible to receive the revenue
125 described in subsection 4 of this section, the municipality shall comply with the requirements of
126 subsection 10 of this section prior to the time the project or plan is adopted or approved by
127 ordinance. The director of the department of economic development and the commissioner of
128 the office of administration may waive the requirement that the municipality's application be
129 submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or
130 project's approval by ordinance.

131 8. For purposes of this section, "new state revenues" means:

132 (1) The incremental increase in the general revenue portion of state sales tax revenues
133 received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated,
134 taxes deposited to the school district trust fund in accordance with section 144.701, sales and use
135 taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by
136 law. In no event shall the incremental increase include any amounts attributable to retail sales
137 unless the municipality or authority has proven to the Missouri development finance board and
138 the department of economic development and such entities have made a finding that the sales
139 tax increment attributable to retail sales is from new sources which did not exist in the state
140 during the baseline year. The incremental increase in the general revenue portion of state sales
141 tax revenues for an existing or relocated facility shall be the amount that current state sales tax
142 revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan
143 as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the

182 redevelopment area would not be reasonably anticipated to be developed without the
183 appropriation of the new state revenues;

184 (f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal
185 impact on the state of Missouri; and

186 (g) The statement of election between the use of the incremental increase of the general
187 revenue portion of the state sales tax revenues or the state income tax withheld by employers on
188 behalf of new employees who fill new jobs created in the redevelopment area;

189 (h) The name, street and mailing address, and phone number of the mayor or chief
190 executive officer of the municipality;

191 (i) The street address of the development site;

192 (j) The three-digit North American Industry Classification System number or numbers
193 characterizing the development project;

194 (k) The estimated development project costs;

195 (l) The anticipated sources of funds to pay such development project costs;

196 (m) Evidence of the commitments to finance such development project costs;

197 (n) The anticipated type and term of the sources of funds to pay such development
198 project costs;

199 (o) The anticipated type and terms of the obligations to be issued;

200 (p) The most recent equalized assessed valuation of the property within the development
201 project area;

202 (q) An estimate as to the equalized assessed valuation after the development project area
203 is developed in accordance with a development plan;

204 (r) The general land uses to apply in the development area;

205 (s) The total number of individuals employed in the development area, broken down by
206 full-time, part-time, and temporary positions;

207 (t) The total number of full-time equivalent positions in the development area;

208 (u) The current gross wages, state income tax withholdings, and federal income tax
209 withholdings for individuals employed in the development area;

210 (v) The total number of individuals employed in this state by the corporate parent of any
211 business benefitting from public expenditures in the development area, and all subsidiaries
212 thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time,
213 and temporary positions;

214 (w) The number of new jobs to be created by any business benefitting from public
215 expenditures in the development area, broken down by full-time, part-time, and temporary
216 positions;

217 (x) The average hourly wage to be paid to all current and new employees at the project
218 site, broken down by full-time, part-time, and temporary positions;

219 (y) For project sites located in a metropolitan statistical area, as defined by the federal
220 Office of Management and Budget, the average hourly wage paid to nonmanagerial employees

221 in this state for the industries involved at the project, as established by the United States Bureau
222 of Labor Statistics;

223 (z) For project sites located outside of metropolitan statistical areas, the average weekly
224 wage paid to nonmanagerial employees in the county for industries involved at the project, as
225 established by the United States Department of Commerce;

226 (aa) A list of other community and economic benefits to result from the project;

227 (bb) A list of all development subsidies that any business benefitting from public
228 expenditures in the development area has previously received for the project, and the name of
229 any other granting body from which such subsidies are sought;

230 (cc) A list of all other public investments made or to be made by this state or units of
231 local government to support infrastructure or other needs generated by the project for which the
232 funding pursuant to this section is being sought;

233 (dd) A statement as to whether the development project may reduce employment at any
234 other site, within or without the state, resulting from automation, merger, acquisition, corporate
235 restructuring, relocation, or other business activity;

236 (ee) A statement as to whether or not the project involves the relocation of work from
237 another address and if so, the number of jobs to be relocated and the address from which they
238 are to be relocated;

239 (ff) A list of competing businesses in the county containing the development area and
240 in each contiguous county;

241 (gg) A market study for the development area;

242 (hh) A certification by the chief officer of the applicant as to the accuracy of the
243 development plan;

244 (2) The methodologies used in the application for determining the base year and
245 determining the estimate of the incremental increase in the general revenue portion of the state
246 sales tax revenues or the state income tax withheld by employers on behalf of new employees
247 who fill new jobs created in the redevelopment area shall be approved by the director of the
248 department of economic development or his or her designee and the commissioner of the office
249 of administration or his or her designee. Upon approval of the application, the director of the
250 department of economic development or his or her designee and the commissioner of the office
251 of administration or his or her designee shall issue a certificate of approval. The department of
252 economic development may request the appropriation following application approval;

253 (3) The appropriation shall be either a portion of the estimate of the incremental increase
254 in the general revenue portion of state sales tax revenues in the redevelopment area or a portion
255 of the estimate of the state income tax withheld by the employer on behalf of new employees
256 who fill new jobs created in the redevelopment area as indicated in the municipality's application,
257 approved by the director of the department of economic development or his or her designee and
258 the commissioner of the office of administration or his or her designee. At no time shall the

259 annual amount of the new state revenues approved for disbursements from the Missouri
260 supplemental tax increment financing fund exceed thirty-two million dollars;

261 (4) Redevelopment plans and projects receiving new state revenues shall have a duration
262 of up to fifteen years, unless prior approval for a longer term is given by the director of the
263 department of economic development or his or her designee and the commissioner of the office
264 of administration or his or her designee; except that, in no case shall the duration exceed
265 twenty-three years.

266 11. In addition to the areas authorized in subsection 9 of this section, the funding
267 authorized pursuant to subsection 4 of this section shall also be available in a federally approved
268 levee district, where construction of a levee begins after December 23, 1997, and which is
269 contained within a county of the first classification without a charter form of government with
270 a population between fifty thousand and one hundred thousand inhabitants which contains all
271 or part of a city with a population in excess of four hundred thousand or more inhabitants.

272 12. There is hereby established within the state treasury a special fund to be known as
273 the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the
274 department of economic development. The department shall annually distribute from the
275 Missouri supplemental tax increment financing fund the amount of the new state revenues as
276 appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the
277 conditions of subsection 10 of this section are met. The fund shall also consist of any gifts,
278 contributions, grants or bequests received from federal, private or other sources. Moneys in the
279 Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to
280 state appropriations.

281 13. Redevelopment project costs may include, at the prerogative of the state, the portion
282 of salaries and expenses of the department of economic development and the department of
283 revenue reasonably allocable to each redevelopment project approved for disbursements from
284 the Missouri supplemental tax increment financing fund for the ongoing administrative functions
285 associated with such redevelopment project. Such amounts shall be recovered from new state
286 revenues deposited into the Missouri supplemental tax increment financing fund created under
287 this section.

288 14. For redevelopment plans or projects approved by ordinance that result in net new
289 jobs from the relocation of a national headquarters from another state to the area of the
290 redevelopment project, the economic activity taxes and new state tax revenues shall not be based
291 on a calculation of the incremental increase in taxes as compared to the base year or prior
292 calendar year for such redevelopment project, rather the incremental increase shall be the amount
293 of total taxes generated from the net new jobs brought in by the national headquarters from
294 another state. In no event shall this subsection be construed to allow a redevelopment project
295 to receive an appropriation in excess of up to fifty percent of the new state revenues.

137.073. 1. As used in this section, the following terms mean:

2 (1) "General reassessment", changes in value, entered in the assessor's books, of a
3 substantial portion of the parcels of real property within a county resulting wholly or partly from
4 reappraisal of value or other actions of the assessor or county equalization body or ordered by
5 the state tax commission or any court;

6 (2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each
7 purpose of taxation of property a taxing authority is authorized to levy without a vote and any
8 tax rate authorized by election, including bond interest and sinking fund;

9 (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the
10 provisions of this section or when a court has determined the tax rate; except that, other
11 provisions of law to the contrary notwithstanding, a school district may levy the operating levy
12 for school purposes required for the current year pursuant to subsection 2 of section 163.021, less
13 all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such
14 tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is
15 the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters
16 of the political subdivision as provided in this section;

17 (4) "Tax revenue", when referring to the previous year, means the actual receipts from
18 ad valorem levies on all classes of property, including state-assessed property, in the immediately
19 preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not
20 collected in the fiscal year and plus an additional allowance for the revenue which would have
21 been collected from property which was annexed by such political subdivision but which was
22 not previously used in determining tax revenue pursuant to this section. The term "tax revenue"
23 shall not include any receipts from ad valorem levies on any property of a railroad corporation
24 or a public utility, as these terms are defined in section 386.020, which were assessed by the
25 assessor of a county or city in the previous year but are assessed by the state tax commission in
26 the current year. All school districts and those counties levying sales taxes pursuant to chapter
27 67 shall include in the calculation of tax revenue an amount equivalent to that by which they
28 reduced property tax levies as a result of sales tax pursuant to section 67.505 and section 164.013
29 or as excess home dock city or county fees as provided in subsection 4 of section 313.820 in the
30 immediately preceding fiscal year but not including any amount calculated to adjust for prior
31 years. For purposes of political subdivisions which were authorized to levy a tax in the prior
32 year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in
33 relation to the revision of tax levies mandated by law, shall mean the revenues equal to the
34 amount that would have been available if the voluntary rate reduction had not been made.

35 2. Whenever changes in assessed valuation are entered in the assessor's books for any
36 personal property, in the aggregate, or for any subclass of real property as such subclasses are
37 established in section 4(b) of article X of the Missouri Constitution and defined in section
38 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each
39 political subdivision wholly or partially within the county or St. Louis City of the change in
40 valuation of each subclass of real property, individually, and personal property, in the aggregate,

41 exclusive of new construction and improvements. All political subdivisions shall immediately
42 revise the applicable rates of levy for each purpose for each subclass of real property,
43 individually, and personal property, in the aggregate, for which taxes are levied to the extent
44 necessary to produce from all taxable property, exclusive of new construction and improvements,
45 substantially the same amount of tax revenue as was produced in the previous year for each
46 subclass of real property, individually, and personal property, in the aggregate, except that the
47 rate shall not exceed the greater of the most recent voter-approved rate or the most recent
48 voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Any
49 political subdivision that has received approval from voters for a tax increase after August 27,
50 2008, may levy a rate to collect substantially the same amount of tax revenue as the amount of
51 revenue that would have been derived by applying the voter-approved increased tax rate ceiling
52 to the total assessed valuation of the political subdivision as most recently certified by the city
53 or county clerk on or before the date of the election in which such increase is approved, increased
54 by the percentage increase in the consumer price index, as provided by law, except that the rate
55 shall not exceed the greater of the most recent voter-approved rate or the most recent
56 voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Such tax
57 revenue shall not include any receipts from ad valorem levies on any real property which was
58 assessed by the assessor of a county or city in such previous year but is assessed by the assessor
59 of a county or city in the current year in a different subclass of real property. Where the taxing
60 authority is a school district for the purposes of revising the applicable rates of levy for each
61 subclass of real property, the tax revenues from state-assessed railroad and utility property shall
62 be apportioned and attributed to each subclass of real property based on the percentage of the
63 total assessed valuation of the county that each subclass of real property represents in the current
64 taxable year. As provided in section 22 of article X of the constitution, a political subdivision
65 may also revise each levy to allow for inflationary assessment growth occurring within the
66 political subdivision. The inflationary growth factor for any such subclass of real property or
67 personal property shall be limited to the actual assessment growth in such subclass or class,
68 exclusive of new construction and improvements, and exclusive of the assessed value on any real
69 property which was assessed by the assessor of a county or city in the current year in a different
70 subclass of real property, but not to exceed the consumer price index or five percent, whichever
71 is lower. Should the tax revenue of a political subdivision from the various tax rates determined
72 in this subsection be different than the tax revenue that would have been determined from a
73 single tax rate as calculated pursuant to the method of calculation in this subsection prior to
74 January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real
75 property, individually, and/or personal property, in the aggregate, in which there is a tax rate
76 reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount
77 equal to such difference and shall be apportioned among such subclasses of real property,
78 individually, and/or personal property, in the aggregate, based on the relative assessed valuation
79 of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax

80 rates of each class or subclass shall be made by computing the percentage of current year
81 adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current
82 year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying
83 the resulting percentages by the revenue difference between the single rate calculation and the
84 calculations pursuant to this subsection and dividing by the respective adjusted current year
85 assessed valuation of each class or subclass to determine the adjustment to the rate to be levied
86 upon each class or subclass of property. The adjustment computed herein shall be multiplied by
87 one hundred, rounded to four decimals in the manner provided in this subsection, and added to
88 the initial rate computed for each class or subclass of property. For school districts that levy
89 separate tax rates on each subclass of real property and personal property in the aggregate, if
90 voters approved a ballot before January 1, 2011, that presented separate stated tax rates to be
91 applied to the different subclasses of real property and personal property in the aggregate, or
92 increases the separate rates that may be levied on the different subclasses of real property and
93 personal property in the aggregate by different amounts, the tax rate that shall be used for the
94 single tax rate calculation shall be a blended rate, calculated in the manner provided under
95 subdivision (1) of subsection 6 of this section. Notwithstanding any provision of this subsection
96 to the contrary, no revision to the rate of levy for personal property shall cause such levy to
97 increase over the levy for personal property from the prior year.

98 3. (1) Where the taxing authority is a school district, it shall be required to revise the
99 rates of levy to the extent necessary to produce from all taxable property, including state-assessed
100 railroad and utility property, which shall be separately estimated in addition to other data
101 required in complying with section 164.011, substantially the amount of tax revenue permitted
102 in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to
103 offset such district's reduction in the apportionment of state school moneys due to its reduced tax
104 rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this
105 section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss
106 of state aid, discovers that the estimates used result in receipt of excess revenues, which would
107 have required a lower rate if the actual information had been known, the school district shall
108 reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the
109 recalculated rate shall become the tax rate ceiling for purposes of this section.

110 (2) For any political subdivision which experiences a reduction in the amount of assessed
111 valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant
112 to sections 138.430 to 138.433, or due to clerical errors or corrections in the calculation or
113 recordation of any assessed valuation:

114 (a) Such political subdivision may revise the tax rate ceiling for each purpose it levies
115 taxes to compensate for the reduction in assessed value occurring after the political subdivision
116 calculated the tax rate ceiling for the particular subclass of real property or for personal property,
117 in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the
118 time of the next calculation of the tax rate for the particular subclass of real property or for

119 personal property, in the aggregate, after the reduction in assessed valuation has been determined
120 and shall be calculated in a manner that results in the revised tax rate ceiling being the same as
121 it would have been had the corrected or finalized assessment been available at the time of the
122 prior calculation;

123 (b) In addition, for up to three years following the determination of the reduction in
124 assessed valuation as a result of circumstances defined in this subdivision, such political
125 subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling
126 provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had
127 the corrected or finalized assessment been available at the time of the prior calculation.

128 4. (1) In order to implement the provisions of this section and section 22 of article X of
129 the Constitution of Missouri, the term improvements shall apply to both real and personal
130 property. In order to determine the value of new construction and improvements, each county
131 assessor shall maintain a record of real property valuations in such a manner as to identify each
132 year the increase in valuation for each political subdivision in the county as a result of new
133 construction and improvements. The value of new construction and improvements shall include
134 the additional assessed value of all improvements or additions to real property which were begun
135 after and were not part of the prior year's assessment, except that the additional assessed value
136 of all improvements or additions to real property which had been totally or partially exempt from
137 ad valorem taxes pursuant to sections 99.800 to 99.865, sections 135.200 to 135.255, and section
138 353.110 shall be included in the value of new construction and improvements when the property
139 becomes totally or partially subject to assessment and payment of all ad valorem taxes. The
140 aggregate increase in valuation of personal property for the current year over that of the previous
141 year is the equivalent of the new construction and improvements factor for personal property.
142 Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the
143 assessor shall certify the amount of new construction and improvements and the amount of
144 assessed value on any real property which was assessed by the assessor of a county or city in
145 such previous year but is assessed by the assessor of a county or city in the current year in a
146 different subclass of real property separately for each of the three subclasses of real property for
147 each political subdivision to the county clerk in order that political subdivisions shall have this
148 information for the purpose of calculating tax rates pursuant to this section and section 22, article
149 X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each
150 county clerk the increase in the general price level as measured by the Consumer Price Index for
151 All Urban Consumers for the United States, or its successor publications, as defined and
152 officially reported by the United States Department of Labor, or its successor agency. The state
153 tax commission shall certify the increase in such index on the latest twelve-month basis available
154 on February first of each year over the immediately preceding prior twelve-month period in order
155 that political subdivisions shall have this information available in setting their tax rates according
156 to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing

157 the provisions of this section and section 22 of article X of the Missouri Constitution, the term
158 "property" means all taxable property, including state-assessed property.

159 (2) Each political subdivision required to revise rates of levy pursuant to this section or
160 section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized
161 to levy and, in establishing each tax rate, shall consider each provision for tax rate revision
162 provided in this section and section 22 of article X of the Constitution of Missouri, separately
163 and without regard to annual tax rate reductions provided in section 67.505 and section 164.013.
164 Each political subdivision shall set each tax rate it is authorized to levy using the calculation that
165 produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to
166 the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of
167 such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of
168 the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years,
169 enforcement provisions, and other provisions not in conflict with section 22 of article X of the
170 Constitution of Missouri. Annual tax rate reductions provided in section 67.505 and section
171 164.013 shall be applied to the tax rate as established pursuant to this section and section 22 of
172 article X of the Constitution of Missouri, unless otherwise provided by law.

173 5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section
174 shall not be increased unless approved by a vote of the people. Approval of the higher tax rate
175 shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval
176 by more than a simple majority pursuant to any provision of law or the constitution, the tax rate
177 increase must receive approval by at least the majority required.

178 (2) When voters approve an increase in the tax rate, the amount of the increase shall be
179 added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does
180 not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate
181 for approval rather than describing the amount of increase in the question, the stated tax rate
182 approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax
183 rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied
184 to the current total assessed valuation of the political subdivision, excluding new construction
185 and improvements since the date of the election approving such increase, the revenue derived
186 from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would
187 have been derived by applying the voter-approved increased tax rate ceiling to total assessed
188 valuation of the political subdivision, as most recently certified by the city or county clerk on or
189 before the date of the election in which such increase is approved, increased by the percentage
190 increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be
191 applied to the total assessed valuation of the political subdivision at the setting of the next tax
192 rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate
193 increase shall be adjusted in the manner prescribed in this section to yield the sum of: the
194 amount of revenue that would be derived by applying such voter-approved increased rate to the
195 total assessed valuation, as most recently certified by the city or county clerk on or before the

196 date of the election in which such increase was approved, increased by the percentage increase
197 in the consumer price index, as provided by law, from the date of the election to the time of such
198 increase and, so adjusted, shall be the current tax rate ceiling.

199 (3) The governing body of any political subdivision may levy a tax rate lower than its
200 tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not
201 exceeding the tax rate ceiling without voter approval in the manner provided under subdivision
202 (4) of this subsection. Nothing in this section shall be construed as prohibiting a political
203 subdivision from voluntarily levying a tax rate lower than that which is required under the
204 provisions of this section or from seeking voter approval of a reduction to such political
205 subdivision's tax rate ceiling.

206 (4) In a year of general reassessment, a governing body whose tax rate is lower than its
207 tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section
208 as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such
209 governing body intends to increase its tax rate, the governing body shall conduct a public
210 hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement
211 justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision
212 shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling
213 solely due to a reduction required by law resulting from sales tax collections. The provisions of
214 this subdivision shall not apply to any political subdivision which has received voter approval
215 for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

216 6. (1) For the purposes of calculating state aid for public schools pursuant to section
217 163.031, each taxing authority which is a school district shall determine its proposed tax rate as
218 a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by
219 first determining the total tax revenue of the property within the jurisdiction of the taxing
220 authority, which amount shall be equal to the sum of the products of multiplying the assessed
221 valuation of each class and subclass of property by the corresponding tax rate for such class or
222 subclass, then dividing the total tax revenue by the total assessed valuation of the same
223 jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the
224 taxing authority is a school district, such blended rate shall also be used by such school district
225 for calculating revenue from state-assessed railroad and utility property as defined in chapter 151
226 and for apportioning the tax rate by purpose.

227 (2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk
228 of the county commission in the county or counties where the tax rate applies of its tax rate
229 ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a
230 fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one
231 dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth
232 of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to
233 the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a
234 cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next

235 higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data,
236 in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate
237 complies with Missouri law. All forms for the calculation of rates pursuant to this section shall
238 be promulgated as a rule and shall not be incorporated by reference. The state auditor shall
239 promulgate rules for any and all forms for the calculation of rates pursuant to this section which
240 do not currently exist in rule form or that have been incorporated by reference. In addition, each
241 taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as
242 shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service
243 complies with Missouri law. A tax rate proposed for annual debt service requirements will be
244 prima facie valid if, after making the payment for which the tax was levied, bonds remain
245 outstanding and the debt fund reserves do not exceed the following year's payments. The county
246 clerk shall keep on file and available for public inspection all such information for a period of
247 three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing
248 authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor.
249 The state auditor shall, within fifteen days of the date of receipt, examine such information and
250 return to the county clerk his or her findings as to compliance of the tax rate ceiling with this
251 section and as to compliance of any proposed tax rate for debt service with Missouri law. If the
252 state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri
253 law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor
254 may request a taxing authority to submit documentation supporting such taxing authority's
255 proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings
256 to the taxing authority and shall file a copy of the findings with the information received from
257 the taxing authority. The taxing authority shall have fifteen days from the date of receipt from
258 the county clerk of the state auditor's findings and any request for supporting documentation to
259 accept or reject in writing the rate change certified by the state auditor and to submit all requested
260 information to the state auditor. A copy of the taxing authority's acceptance or rejection and any
261 information submitted to the state auditor shall also be mailed to the county clerk. If a taxing
262 authority rejects a rate change certified by the state auditor and the state auditor does not receive
263 supporting information which justifies the taxing authority's original or any subsequent proposed
264 tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the
265 attorney general's office and the attorney general is authorized to obtain injunctive relief to
266 prevent the taxing authority from levying a violative tax rate.

267 **(3) In the event that the taxing authority incorrectly completes the forms created**
268 **and promulgated under subdivision (2) of this subsection, or makes a clerical error, the**
269 **taxing authority may submit amended forms with an explanation for the needed changes.**
270 **If such amended forms are filed under regulations prescribed by the state auditor, the state**
271 **auditor shall take into consideration such amended forms for the purposes of this**
272 **subsection.**

273 7. No tax rate shall be extended on the tax rolls by the county clerk unless the political
274 subdivision has complied with the foregoing provisions of this section.

275 8. Whenever a taxpayer has cause to believe that a taxing authority has not complied
276 with the provisions of this section, the taxpayer may make a formal complaint with the
277 prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within
278 ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this
279 section and institute an action as representative of a class of all taxpayers within a taxing
280 authority if the class is so numerous that joinder of all members is impracticable, if there are
281 questions of law or fact common to the class, if the claims or defenses of the representative
282 parties are typical of the claims or defenses of the class, and if the representative parties will
283 fairly and adequately protect the interests of the class. In any class action maintained pursuant
284 to this section, the court may direct to the members of the class a notice to be published at least
285 once each week for four consecutive weeks in a newspaper of general circulation published in
286 the county where the civil action is commenced and in other counties within the jurisdiction of
287 a taxing authority. The notice shall advise each member that the court will exclude him or her
288 from the class if he or she so requests by a specified date, that the judgment, whether favorable
289 or not, will include all members who do not request exclusion, and that any member who does
290 not request exclusion may, if he or she desires, enter an appearance. In any class action brought
291 pursuant to this section, the court, in addition to the relief requested, shall assess against the
292 taxing authority found to be in violation of this section the reasonable costs of bringing the
293 action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any
294 attorney or association of attorneys who receive public funds from any source for their services.
295 Any action brought pursuant to this section shall be set for hearing as soon as practicable after
296 the cause is at issue.

297 9. If in any action, including a class action, the court issues an order requiring a taxing
298 authority to revise the tax rates as provided in this section or enjoins a taxing authority from the
299 collection of a tax because of its failure to revise the rate of levy as provided in this section, any
300 taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her
301 taxes in part, whether or not the taxes are paid under protest as provided in section 139.031 or
302 otherwise contested. The part of the taxes paid erroneously is the difference in the amount
303 produced by the original levy and the amount produced by the revised levy. The township or
304 county collector of taxes or the collector of taxes in any city shall refund the amount of the tax
305 erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this
306 section shall make available to the collector all funds necessary to make refunds pursuant to this
307 subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her
308 pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be
309 construed to require a taxing authority to refund any tax erroneously paid prior to or during the
310 third tax year preceding the current tax year.

311 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
312 created under the authority delegated in this section shall become effective only if it complies
313 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
314 This section and chapter 536 are nonseverable and if any of the powers vested with the general
315 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
316 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
317 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

137.090. 1. All tangible personal property of whatever nature and character situate in a
2 county other than the one in which the owner resides shall be assessed in the county where the
3 owner resides; except that, houseboats, cabin cruisers, floating boat docks, and manufactured
4 homes, as defined in section 700.010, used for lodging shall be assessed in the county where they
5 are located, and tangible personal property belonging to estates shall be assessed in the county
6 in which the probate division of the circuit court has jurisdiction. Tangible personal property,
7 other than motor vehicles as the term is defined in section 301.010, used exclusively in
8 connection with farm operations of the owner and kept on the farmland, shall not be assessed by
9 a city, town or village unless the farmland is totally within the boundaries of the city, town or
10 village. No tangible personal property shall be simultaneously assessed in more than one county.

11 **2. The assessed valuation of any tractor or trailer as defined in section 301.010**
12 **owned by an individual, partner, or member and used in interstate commerce must be**
13 **apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled**
14 **in the United States in interstate commerce during the preceding tax year or on the basis**
15 **of the most recent annual mileage figures available.**

137.095. 1. The real and tangible personal property of all corporations operating in any
2 county in the state of Missouri and in the city of St. Louis, and subject to assessment by county
3 or township assessors, shall be assessed and taxed in the county in which the property is situated
4 on the first day of January of the year for which the taxes are assessed, and every general or
5 business corporation having or owning tangible personal property on the first day of January in
6 each year, which is situated in any other county than the one in which the corporation is located,
7 shall make return to the assessor of the county or township where the property is situated, in the
8 same manner as other tangible personal property is required by law to be returned, except that
9 all motor vehicles which are the property of the corporation and which are subject to regulation
10 under chapter 390 shall be assessed for tax purposes in the county in which the motor vehicles
11 are based.

12 2. For the purposes of subsection 1 of this section, the term "based" means the place
13 where the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or
14 otherwise controlled, except that leased passenger vehicles shall be assessed at the residence of
15 the driver or, if the residence of the driver is unknown, at the location of the lessee.

16 **3. The assessed valuation of any tractor or trailer as defined in section 301.010**
17 **owned by a corporation and used in interstate commerce must be apportioned to Missouri**

18 **based on the ratio of miles traveled in this state to miles traveled in the United States in**
19 **interstate commerce during the preceding tax year or on the basis of the most recent**
20 **annual mileage figures available.**

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's
2 deputies in all counties of this state including the city of St. Louis shall annually make a list of
3 all real and tangible personal property taxable in the assessor's city, county, town or district.
4 Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor
5 shall annually assess all personal property at thirty-three and one-third percent of its true value
6 in money as of January first of each calendar year. The assessor shall annually assess all real
7 property, including any new construction and improvements to real property, and possessory
8 interests in real property at the percent of its true value in money set in subsection 5 of this
9 section. The true value in money of any possessory interest in real property in subclass (3),
10 where such real property is on or lies within the ultimate airport boundary as shown by a federal
11 airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139
12 certification and owned by a political subdivision, shall be the otherwise applicable true value
13 in money of any such possessory interest in real property, less the total dollar amount of costs
14 paid by a party, other than the political subdivision, towards any new construction or
15 improvements on such real property completed after January 1, 2008, and which are included in
16 the above-mentioned possessory interest, regardless of the year in which such costs were incurred
17 or whether such costs were considered in any prior year. The assessor shall annually assess all
18 real property in the following manner: new assessed values shall be determined as of January
19 first of each odd-numbered year and shall be entered in the assessor's books; those same assessed
20 values shall apply in the following even-numbered year, except for new construction and
21 property improvements which shall be valued as though they had been completed as of January
22 first of the preceding odd-numbered year. The assessor may call at the office, place of doing
23 business, or residence of each person required by this chapter to list property, and require the
24 person to make a correct statement of all taxable tangible personal property owned by the person
25 or under his or her care, charge or management, taxable in the county. On or before January first
26 of each even-numbered year, the assessor shall prepare and submit a two-year assessment
27 maintenance plan to the county governing body and the state tax commission for their respective
28 approval or modification. The county governing body shall approve and forward such plan or
29 its alternative to the plan to the state tax commission by February first. If the county governing
30 body fails to forward the plan or its alternative to the plan to the state tax commission by
31 February first, the assessor's plan shall be considered approved by the county governing body.
32 If the state tax commission fails to approve a plan and if the state tax commission and the
33 assessor and the governing body of the county involved are unable to resolve the differences, in
34 order to receive state cost-share funds outlined in section 137.750, the county or the assessor
35 shall petition the administrative hearing commission, by May first, to decide all matters in
36 dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter

37 may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by
38 the parties. The final decision of the administrative hearing commission shall be subject to
39 judicial review in the circuit court of the county involved. In the event a valuation of subclass
40 (1) real property within any county with a charter form of government, or within a city not within
41 a county, is made by a computer, computer-assisted method or a computer program, the burden
42 of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be
43 on the assessor at any hearing or appeal. In any such county, unless the assessor proves
44 otherwise, there shall be a presumption that the assessment was made by a computer,
45 computer-assisted method or a computer program. Such evidence shall include, but shall not be
46 limited to, the following:

47 (1) The findings of the assessor based on an appraisal of the property by generally
48 accepted appraisal techniques; and

49 (2) The purchase prices from sales of at least three comparable properties and the address
50 or location thereof. As used in this subdivision, the word "comparable" means that:

51 (a) Such sale was closed at a date relevant to the property valuation; and

52 (b) Such properties are not more than one mile from the site of the disputed property,
53 except where no similar properties exist within one mile of the disputed property, the nearest
54 comparable property shall be used. Such property shall be within five hundred square feet in size
55 of the disputed property, and resemble the disputed property in age, floor plan, number of rooms,
56 and other relevant characteristics.

57 2. Assessors in each county of this state and the city of St. Louis may send personal
58 property assessment forms through the mail.

59 3. The following items of personal property shall each constitute separate subclasses of
60 tangible personal property and shall be assessed and valued for the purposes of taxation at the
61 following percentages of their true value in money:

62 (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one
63 percent;

64 (2) Livestock, twelve percent;

65 (3) Farm machinery, twelve percent;

66 (4) Motor vehicles which are eligible for registration as and are registered as historic
67 motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old
68 and which are used solely for noncommercial purposes and are operated less than fifty hours per
69 year or aircraft that are home built from a kit, five percent;

70 (5) Poultry, twelve percent; and

71 (6) Tools and equipment used for pollution control and tools and equipment used in
72 retooling for the purpose of introducing new product lines or used for making improvements to
73 existing products by any company which is located in a state enterprise zone and which is
74 identified by any standard industrial classification number cited in subdivision (6) of section
75 135.200, twenty-five percent.

76 4. The person listing the property shall enter a true and correct statement of the property,
77 in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed
78 and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered
79 to the assessor.

80 5. All subclasses of real property, as such subclasses are established in section 4(b) of
81 article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the
82 following percentages of true value:

83 (1) For real property in subclass (1), nineteen percent;

84 (2) For real property in subclass (2), twelve percent; and

85 (3) For real property in subclass (3), thirty-two percent.

86 6. Manufactured homes, as defined in section 700.010, which are actually used as
87 dwelling units shall be assessed at the same percentage of true value as residential real property
88 for the purpose of taxation. The percentage of assessment of true value for such manufactured
89 homes shall be the same as for residential real property. If the county collector cannot identify
90 or find the manufactured home when attempting to attach the manufactured home for payment
91 of taxes owed by the manufactured home owner, the county collector may request the county
92 commission to have the manufactured home removed from the tax books, and such request shall
93 be granted within thirty days after the request is made; however, the removal from the tax books
94 does not remove the tax lien on the manufactured home if it is later identified or found. For
95 purposes of this section, a manufactured home located in a manufactured home rental park, rental
96 community or on real estate not owned by the manufactured home owner shall be considered
97 personal property. For purposes of this section, a manufactured home located on real estate
98 owned by the manufactured home owner may be considered real property.

99 7. Each manufactured home assessed shall be considered a parcel for the purpose of
100 reimbursement pursuant to section 137.750, unless the manufactured home is real estate as
101 defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing
102 real estate parcel.

103 8. Any amount of tax due and owing based on the assessment of a manufactured home
104 shall be included on the personal property tax statement of the manufactured home owner unless
105 the manufactured home is real estate as defined in subsection 7 of section 442.015, in which case
106 the amount of tax due and owing on the assessment of the manufactured home as a realty
107 improvement to the existing real estate parcel shall be included on the real property tax statement
108 of the real estate owner.

109 9. The assessor of each county and each city not within a county shall use the trade-in
110 value published in the October issue of the National Automobile Dealers' Association Official
111 Used Car Guide, or its successor publication, as the recommended guide of information for
112 determining the true value of motor vehicles described in such publication. **The assessor shall**
113 **not use a value that is greater than the average trade-in value in determining the true value**
114 **of the motor vehicle without performing a physical inspection of the motor vehicle. For**

115 **vehicles two years old or newer from a vehicle's model year, the assessor may use a value**
116 **other than average without performing a physical inspection of the motor vehicle.** In the
117 absence of a listing for a particular motor vehicle in such publication, the assessor shall use such
118 information or publications which in the assessor's judgment will fairly estimate the true value
119 in money of the motor vehicle.

120 10. Before the assessor may increase the assessed valuation of any parcel of subclass (1)
121 real property by more than fifteen percent since the last assessment, excluding increases due to
122 new construction or improvements, the assessor shall conduct a physical inspection of such
123 property.

124 11. If a physical inspection is required, pursuant to subsection 10 of this section, the
125 assessor shall notify the property owner of that fact in writing and shall provide the owner clear
126 written notice of the owner's rights relating to the physical inspection. If a physical inspection
127 is required, the property owner may request that an interior inspection be performed during the
128 physical inspection. The owner shall have no less than thirty days to notify the assessor of a
129 request for an interior physical inspection.

130 12. A physical inspection, as required by subsection 10 of this section, shall include, but
131 not be limited to, an on-site personal observation and review of all exterior portions of the land
132 and any buildings and improvements to which the inspector has or may reasonably and lawfully
133 gain external access, and shall include an observation and review of the interior of any buildings
134 or improvements on the property upon the timely request of the owner pursuant to subsection 11
135 of this section. Mere observation of the property via a drive-by inspection or the like shall not
136 be considered sufficient to constitute a physical inspection as required by this section.

137 13. The provisions of subsections 11 and 12 of this section shall only apply in any county
138 with a charter form of government with more than one million inhabitants.

139 14. A county or city collector may accept credit cards as proper form of payment of
140 outstanding property tax or license due. No county or city collector may charge surcharge for
141 payment by credit card which exceeds the fee or surcharge charged by the credit card bank,
142 processor, or issuer for its service. A county or city collector may accept payment by electronic
143 transfers of funds in payment of any tax or license and charge the person making such payment
144 a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic
145 payment.

146 15. Any county or city not within a county in this state may, by an affirmative vote of
147 the governing body of such county, opt out of the provisions of this section and sections 137.073,
148 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly,
149 second regular session and section 137.073 as modified by house committee substitute for senate
150 substitute for senate committee substitute for senate bill no. 960, ninety-second general
151 assembly, second regular session, for the next year of the general reassessment, prior to January
152 first of any year. No county or city not within a county shall exercise this opt-out provision after
153 implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as

154 enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and
155 section 137.073 as modified by house committee substitute for senate substitute for senate
156 committee substitute for senate bill no. 960, ninety-second general assembly, second regular
157 session, in a year of general reassessment. For the purposes of applying the provisions of this
158 subsection, a political subdivision contained within two or more counties where at least one of
159 such counties has opted out and at least one of such counties has not opted out shall calculate a
160 single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general
161 assembly, second regular session. A governing body of a city not within a county or a county
162 that has opted out under the provisions of this subsection may choose to implement the
163 provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill
164 no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as
165 modified by house committee substitute for senate substitute for senate committee substitute for
166 senate bill no. 960, ninety-second general assembly, second regular session, for the next year of
167 general reassessment, by an affirmative vote of the governing body prior to December thirty-first
168 of any year.

169 16. The governing body of any city of the third classification with more than twenty-six
170 thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located
171 in any county that has exercised its authority to opt out under subsection 15 of this section may
172 levy separate and differing tax rates for real and personal property only if such city bills and
173 collects its own property taxes or satisfies the entire cost of the billing and collection of such
174 separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax
175 rate ceiling.

137.720. 1. A percentage of all ad valorem property tax collections allocable to each
2 taxing authority within the county and the county shall be deducted from the collections of taxes
3 each year and shall be deposited into the assessment fund of the county as required pursuant to
4 section 137.750. The percentage shall be one-half of one percent for all counties of the first and
5 second classification and cities not within a county and one percent for counties of the third and
6 fourth classification.

7 2. Prior to July 1, 2009, for counties of the first classification, counties with a charter
8 form of government, and any city not within a county, an additional one-eighth of one percent
9 of all ad valorem property tax collections shall be deducted from the collections of taxes each
10 year and shall be deposited into the assessment fund of the county as required pursuant to section
11 137.750, and for counties of the second, third, and fourth classification, an additional one-quarter
12 of one percent of all ad valorem property tax collections shall be deducted from the collections
13 of taxes each year and shall be deposited into the assessment fund of the county as required
14 pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred
15 thousand dollars in any year for any county of the first classification and any county with a
16 charter form of government and fifty thousand dollars in any year for any county of the second,
17 third, or fourth classification.

18 3. Effective July 1, 2009, for counties of the first classification, counties with a charter
19 form of government, and any city not within a county, an additional one-eighth of one percent
20 of all ad valorem property tax collections shall be deducted from the collections of taxes each
21 year and shall be deposited into the assessment fund of the county as required pursuant to section
22 137.750, and for counties of the second, third, and fourth classification, an additional one-half
23 of one percent of all ad valorem property tax collections shall be deducted from the collections
24 of taxes each year and shall be deposited into the assessment fund of the county as required
25 pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred
26 twenty-five thousand dollars in any year for any county of the first classification and any county
27 with a charter form of government and seventy-five thousand dollars in any year for any county
28 of the second, third, or fourth classification.

29 4. The county shall bill any taxing authority collecting its own taxes. The county may
30 also provide additional moneys for the fund. To be eligible for state cost-share funds provided
31 pursuant to section 137.750, every county shall provide from the county general revenue fund
32 an amount equal to an average of the three most recent years of the amount provided from
33 general revenue to the assessment fund; provided, however, that capital expenditures and
34 equipment expenses identified in a memorandum of understanding signed by the county's
35 governing body and the county assessor prior to transfer of county general revenue funds to the
36 assessment fund shall be deducted from a year's contribution before computing the three-year
37 average, except that a lesser amount shall be acceptable if unanimously agreed upon by the
38 county assessor, the county governing body, and the state tax commission. The county shall
39 deposit the county general revenue funds in the assessment fund as agreed to in its original or
40 amended maintenance plan, state reimbursement funds shall be withheld until the amount due
41 is properly deposited in such fund.

42 5. For all years beginning on or after January 1, 2010, any property tax collections
43 deposited into the county assessment funds provided for in subsection 2 of this section shall be
44 disallowed in any year in which the state tax commission notifies the county that state
45 assessment reimbursement funds have been withheld from the county for three consecutive
46 quarters due to noncompliance by the assessor or county commission with the county's
47 assessment maintenance plan.

48 [6. The provisions of subsections 2, 3, and 5 of this section shall expire on December
49 31, 2015.]

138.431. 1. To hear and decide appeals pursuant to section 138.430, the commission
2 shall appoint one or more hearing officers. The hearing officers shall be subject to supervision
3 by the commission. No person shall participate on behalf of the commission in any case in
4 which such person is an interested party.

5 2. The commission may assign such appeals as it deems fit to a hearing officer for
6 disposition.

7 (1) The assignment shall be deemed made when [the] **any** scheduling order is first issued
8 by the commission [and signed by the hearing officer assigned, unless another hearing officer
9 is assigned to the case for disposition by other language in said order] , **however, if no**
10 **scheduling order has been issued, then a hearing officer shall be assigned no later than**
11 **sixty days after the appeal is filed by the taxpayer.**

12 (2) A change of hearing officer, or a reservation of the appeal for disposition as described
13 in subsection 3 of this section, shall be ordered by the commission in any appeal upon the timely
14 filing of a written application by a party to disqualify the hearing officer assigned. The
15 application shall be filed within thirty days from the assignment of any appeal to a hearing officer
16 and need not allege or prove any cause for such change and need not be verified. No more than
17 one change of hearing officer shall be allowed for each party in any appeal.

18 3. The commission may, in its discretion, reserve such appeals as it deems fit to be heard
19 and decided by the full commission, a quorum thereof, or any commissioner, subject to the
20 provisions of section 138.240, and, in such case, the decision shall be final, subject to judicial
21 review in the manner provided in subsection 4 of section 138.470.

22 4. The manner in which appeals shall be presented and the conduct of hearings shall be
23 made in accordance with rules prescribed by the commission for determining the rights of the
24 parties; provided that, the commission, with the consent of all the parties, may refer an appeal
25 to mediation. The commission shall promulgate regulations for mediation pursuant to this
26 section. No regulation or portion of a regulation promulgated pursuant to the authority of this
27 section shall become effective unless it has been promulgated pursuant to the provisions of
28 chapter 536. There shall be no presumption that the assessor's valuation is correct. A full and
29 complete record shall be kept of all proceedings. All testimony at any hearing shall be recorded
30 but need not be transcribed unless the matter is further appealed.

31 5. Unless an appeal is voluntarily dismissed, a hearing officer, after affording the parties
32 reasonable opportunity for fair hearing, shall issue a decision and order affirming, modifying,
33 or reversing the determination of the board of equalization, and correcting any assessment which
34 is unlawful, unfair, improper, arbitrary, or capricious. The commission may, prior to the decision
35 being rendered, transfer to another hearing officer the proceedings on an appeal determination
36 before a hearing officer. The complainant, respondent-assessor, or other party shall be duly
37 notified of a hearing officer's decision and order, together with findings of fact and conclusions
38 of law. Appeals from decisions of hearing officers shall be made pursuant to section 138.432.

39 6. All decisions issued pursuant to this section or section 138.432 by the commission or
40 any of its duly assigned hearing officers shall be issued no later than sixty days after the hearing
41 on the matter to be decided is held or the date on which the last party involved in such matter
42 files his or her brief, whichever event later occurs.

238.272. The state auditor [shall] **may** audit each district not [less] **more** than once every
2 three years[, and may audit more frequently if the state auditor deems appropriate]. The costs

3 of this audit shall be paid by the district **and shall not exceed three percent of the gross**
4 **revenues received by the transportation district.**

360.045. 1. The authority shall have the following powers together with all powers
2 incidental thereto or necessary for the performance thereof:

3 (1) To have perpetual succession as a body politic and corporate;

4 (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;

5 (3) To sue and be sued and to prosecute and defend, at law or in equity, in any court
6 having jurisdiction of the subject matter and of the parties;

7 (4) To have and to use a corporate seal and to alter the same at pleasure;

8 (5) To maintain an office at such place or places in the state of Missouri as it may
9 designate;

10 (6) To determine the location and construction of any facility to be financed under the
11 provisions of sections 360.010 to 360.140, and to construct, reconstruct, repair, alter, improve,
12 extend, maintain, lease, and regulate the same; and to designate a participating health institution
13 or a participating educational institution, as the case may be, as its agent to determine the
14 location and construction of a facility undertaken by such participating health institution or
15 participating educational institution, as the case may be, under the provisions of sections 360.010
16 to 360.140, to construct, reconstruct, repair, alter, improve, extend, maintain, and regulate the
17 same, and to enter into contracts for any and all of such purposes including contracts for the
18 management and operation of the facility;

19 (7) To lease to a participating health institution or a participating educational institution,
20 as the case may be, the particular health or educational facility or facilities, as the case may be,
21 upon such terms and conditions as the authority shall deem proper; to charge and collect rent
22 therefor; to terminate any such lease upon the failure of the lessee to comply with any of the
23 obligations thereof; to include in any such lease, if desired, provisions that the lessee thereof
24 shall have options to renew the term of the lease for such period or periods at such rent as shall
25 be determined by the authority or to purchase any or all of the particular leased facility or
26 facilities; and, upon payment of all of the indebtedness incurred by the authority for the financing
27 of the facility or facilities, to convey any or all of such facility or facilities to the lessee or lessees
28 thereof. Every lease agreement between the authority and an institution must contain a clause
29 obligating the institution not to use the leased land, nor any facility located thereon, for sectarian
30 instruction or study or as a place of religious worship, or in connection with any part of the
31 program of a school or department of divinity of any religious denomination; to insure that this
32 covenant is honored, each lease agreement shall allow the authority to conduct inspections, and
33 every conveyance of title to an institution shall contain a restriction against use for any sectarian
34 purpose;

35 (8) To issue its bonds, notes, or other obligations for any of its corporate purposes and
36 to refund the same, all as provided in sections 360.010 to 360.140;

37 **(9) To transfer assets of the authority to the rebuild damaged infrastructure fund**
38 **created in section 33.295;**

39 **(10)** To fix and revise from time to time and make and collect rates, rents, fees, and
40 charges for the use of and services furnished or to be furnished by any facility or facilities or any
41 portion thereof and to contract with any person, firm, or corporation or other body, public or
42 private, in respect thereof; except that the authority shall have no jurisdiction over rates, rents,
43 fees, and charges established by a participating educational institution for its students or
44 established by a participating health institution for its patients other than to require that such
45 rates, rents, fees, and charges by such an institution be sufficient to discharge the institution's
46 obligations to the authority;

47 **[(10)] (11)** To establish rules and regulations for review by or on behalf of the authority
48 of the retention or employment by a participating health institution or by a participating
49 educational institution, as the case may be, of consulting engineers, architects, attorneys,
50 accountants, construction and finance experts, superintendents, managers, and such other
51 employees and agents as shall be determined to be necessary in connection with any such facility
52 or facilities and for review by or on behalf of the authority of all reports, studies, or other
53 material prepared in connection with any bond issue of the authority for any such facility or
54 facilities. The costs incurred or to be incurred by a participating health institution or by a
55 participating educational institution in connection with the review shall be deemed, where
56 appropriate, an expense of constructing the facility or facilities or, where appropriate, shall be
57 deemed an annual expense of operation and maintenance of the facility or facilities;

58 **[(11)] (12)** To receive and accept from any public agency loans or grants for or in aid of
59 the construction of a facility or facilities, or any portion thereof, or for equipping the same and
60 to receive and accept grants, gifts, or other contributions from any source;

61 **[(12)] (13)** To mortgage or pledge all or any portion of any facility or facilities, including
62 any other health or educational facility or facilities conveyed to the authority for such purpose
63 and the site or sites thereof, whether then owned or thereafter acquired, for the benefit of the
64 holders of the bonds of the authority issued to finance such facility or facilities or any portion
65 thereof or issued to refund or refinance outstanding indebtedness of a private health institution
66 or a private institution of higher education as permitted by sections 360.010 to 360.140;

67 **[(13)] (14)** To make loans to any participating health institution or participating
68 educational institution, as the case may be, for the cost of any facility or facilities in accordance
69 with an agreement between the authority and such participating health institution or participating
70 educational institution, as the case may be; except that no such loan shall exceed the total cost
71 of such facility or facilities as determined by the participating health institution or participating
72 educational institution, as the case may be, and approved by the authority;

73 **[(14)] (15)** To make loans to a participating health institution or participating educational
74 institution, as the case may be, to refund outstanding obligations, mortgages, or advances issued,
75 made, or given by the institution for the cost of its facility or facilities, including the power to

76 issue bonds and make loans to a participating health institution or participating educational
77 institution, as the case may be, to refinance indebtedness incurred for facilities undertaken and
78 completed prior to or after September 28, 1975, whenever the authority finds that the financing
79 is in the public interest, alleviates a financial hardship upon the participating health institution
80 or participating educational institution, as the case may be, and results in a lesser cost of patient
81 care or cost of education and a saving to third parties, including state or federal governments, and
82 to others who must pay for the care or education;

83 [(15)] (16) To inspect any and all facilities assisted by the authority in any way to enforce
84 the prohibition against sectarian or religious use at any time; and

85 [(16)] (17) To do all things necessary and convenient to carry out the purposes of
86 sections 360.010 to 360.140.

87 **2. Notwithstanding any provision of law to the contrary, including section 360.115,**
88 **the authority shall transfer four million dollars of the assets of the authority to the rebuild**
89 **damaged infrastructure fund created in section 33.295 on July 1, 2013.**

374.150. 1. All fees due the state under the provisions of the insurance laws of this state
2 shall be paid to the director of revenue and deposited in the state treasury to the credit of the
3 insurance dedicated fund unless otherwise provided for in subsection 2 of this section.

4 2. There is hereby established in the state treasury a special fund to be known as the
5 "Insurance Dedicated Fund". The fund shall be subject to appropriation of the general assembly
6 and shall be devoted solely to the payment of expenditures incurred by the department
7 attributable to duties performed by the department for the regulation of the business of insurance,
8 regulation of health maintenance organizations and the operation of the division of consumer
9 affairs as required by law which are not paid for by another source of funds. Other provisions
10 of law to the contrary notwithstanding, beginning on January 1, 1991, all fees charged under any
11 provision of chapter 325, 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385 due
12 the state shall be paid into this fund. The state treasurer shall invest moneys in this fund in the
13 same manner as other state funds and any interest or earnings on such moneys shall be credited
14 to the insurance dedicated fund. The provisions of section 33.080 notwithstanding, moneys in
15 the fund shall not lapse, be transferred to or placed to the credit of the general revenue fund
16 unless and then only to the extent to which the unencumbered balance at the close of the
17 biennium year exceeds two times the total amount appropriated, paid, or transferred to the fund
18 during such fiscal year.

19 **3. Notwithstanding provisions of this section to the contrary, five hundred thousand**
20 **dollars of the insurance dedicated fund shall annually be transferred and placed to the**
21 **credit of the state general revenue fund on July first beginning with fiscal year 2014.**

Section B. Because of the necessity to provide funding for the reconstruction,
2 replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially
3 declared natural disaster, and to ensure the safety of the citizens of this state, including by means
4 of the operation of local hospitals, sections 33.080, 33.295, 96.229, 302.309, 360.045, and

5 374.150 of section A of this act are deemed necessary for the immediate preservation of the
6 public health, welfare, peace and safety, and is hereby declared to be an emergency act within
7 the meaning of the constitution, and sections 33.080, 33.295, 96.229, 302.309, 360.045, and
8 374.150 of section A of this act shall be in full force and effect upon its passage and approval.

✓

Speaker of the House

President Pro Tem of the Senate

Governor